

JIM STRICKLAND MAYOR

July 12, 2021

The Honorable Chase Carlisle, Chairman Personnel, Government Affairs, and Annexation Committee City Hall - Room 514 Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Darius Jones

be appointed to the Solid Wasted Municipal Planning Board with a term expiring May 31, 2025.

I have attached biographical information.

JSS/sss

Cc: Council Members



JIM STRICKLAND Mayor

July 12, 2021

The Honorable Chase Carlisle, Chairman Personnel, Government Affairs, and Annexation Committee City Hall - Room 514 Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Phillip Davis

be reappointed to the Solid Wasted Municipal Planning Board with a term expiring May 31, 2027.

I have attached biographical information.

JSS/sss

Cc: Council Members

A resolution to amend the Council FY 22 grant allocations

WHEREAS, the FY 22 Operating Budget included \$2.6 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$200,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 22 \$200,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

ORGANIZATION NAME	AMOUNT	
Harmonic South Strings Orchestra	\$5,000	
Memphis Vietnam Veterans Organization 1113	\$35,000	
TOTAL	\$40,000	

Sponsor:

Jamita Swearengen



1. Description of the Item (Resolution, Ordinance, etc.)

This resolution seeks the appropriation of \$1,312,000.00 for the renovation of MPD's Radio Maintenance facility, CIP project #PD04029 funded by G.O. Bonds

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Police Services

3. State whether this is a change to an existing ordinance or resolution, if applicable.

No Change to existing resolution or ordinance

4. State whether this will impact specific council districts or super districts.

This facility is located on Flicker St. Dist. 5, Super Dist. 9

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This requires a new construction contract

6. State whether this requires an expenditure of funds/requires a budget amendment

This requires an expenditure of \$1,312,000.00, and is part of the FY20 Capital Improvement Budget funded by G.O. Bonds, CIP project #PD04029

7. If applicable, please list the MWBE goal and any additional information needed

34% MBE, 6% WBE is required as established by the EBO committee.



This is a resolution to transfer and appropriate funds to renovate the existing MPD Radio Maintenance Facility on Flicker St., project number PD04029.

WHEREAS, the Council of the City of Memphis approved the renovation of MPD Radio Maint. facility, project No. PD04029, as part of the Police Services FY20 Capital Improvement Budget; and

WHEREAS, bids were received on May 26, 2021 to renovate the existing MPD Radio Maintenance facility with the lowest complying bid amount of \$1,216,316.00 submitted by Barnes & Brower, Inc.; and

WHEREAS, the City of Memphis will enter into a contract with Barnes & Brower, Inc. to renovate the existing MPD Radio Maintenance Facility, Project No. PD04029; and

WHEREAS, it is necessary to transfer an Information Technology (IT) allocation of \$550,000 funded by G.O. Bonds, into Contract Construction to renovate the existing MPD Radio Maintenance Facility, project No. PD04029; and

WHEREAS, it is necessary to appropriate total amount of \$1,312,000.00 funded by G.O Bonds in MPD Radio Maintenance facility renovation, project No. PD04029 for expenses to renovate the existing facility as follows:

Total	\$1,312,000.00
	, ,
Project Contingencies	\$95,684.00
Contract Amount	\$1,216,316.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2020 Capital Improvement Budget be and is hereby modified by a transfer of Information Technology (IT) funds in the amount of \$550,000 into Contract Construction allocation, and appropriation of the total amount of \$1,312,000.00 Funded by G.O. Bonds, chargeable to FY20 Capital Improvement Budget and credited as follows:

Project Title:

MPD Radio Maintenance

Project Number:

PD04029

Amount:

\$1,312,000.00



1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to accept and appropriate grant funds from the USDOT-Pipeline and Hazardous Materials Safety Administration in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) with a City match of 20% in the amount of Thirty Thousand Dollars (\$30,000.00) for a large-scal pipeine training prop.

- Initiating Party (e.g. Public Works, at request of City Council, etc.)
 The Division of Fire Services is awarded this grant and serves as the fiscal agent for the award.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable. This item does not change an existing ordinance or resolution.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.

This is a new grant award pending Council approval.

5. State whether this requires an expenditure of funds/requires a budget amendment. Acceptance will require an amendment to the FY22 Misc Grant Budget to appropriate funds in the amount of \$120,000.00 and requires a City match of 20% in the amount of \$30,000.00.



A resolution to accept and appropriate Interagency Hazardous Materials Public Sector Training and Planning Grant Program funds from USDOT-Pipeline and Hazardous Materials Safety Administration in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) to be used for a large-scale pipeline training prop.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) from the USDOT-Pipeline and Hazardous Materials Safety Administration for a large-scale pipeline training prop with a City match of 20% in the amount of Thirty Thousand Dollars (\$30,000.00); and

WHEREAS, These funds will be used for the construction of a large-scale pipeline training prop, to provide pipeline incident response training; and

WHEREAS, It is necessary to accept the grant funding and amend the FY22 Misc Grant Budget to establish funds for the Interagency Hazardous Materials Public Sector Training and Planning Grant Program; and

WHEREAS, It is necessary to allocate and appropriate One Hundred Twenty Thousand Dollars (\$120,000.00) for the USDOT-Pipeline and Hazardous Materials Safety Administration- Interagency Hazardous Materials Public Sector Training and Planning Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the USDOT-Pipeline and Hazardous Materials Safety Administration-Interagency Hazardous Materials Public Sector Training and Planning Grant Program funds in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY22 Misc Grant Budget be and is hereby amended by appropriating the Expenditures and Revenues for the USDOT-Pipeline and Hazardous Materials Safety Administration-Interagency Hazardous Materials Public Sector Training and Planning Grant Program as follows:

Revenue

Federal Grants

\$120,000.00

Expenses

Professional Services

\$120,000.00

A RESOLUTION REQUESTING THE TENNESSEE VALLEY AUTHORITY NOT RELOCATE COAL COMBUSTION RESIDUALS FROM THE ALLEN FOSSIL PLANT TO ANY LANDFILL WITHIN THE MISSISSIPPI EMBAYMENT

WHEREAS, Memphians' health, safety, and well-being is the top priority of the City Council; and

WHEREAS, the City of Memphis relies on the groundwater of the Memphis Sand Aquifer for its drinking water supply, and according to the United States Geological Survey ("USGS"), Memphis and Shelby County compromise one of the largest metropolitan areas in the world that relies exclusively on groundwater for its municipal drinking water supply; and

WHEREAS, according to the Center for Applied Earth Science and Engineering Research ("CAESER") at the University of Memphis, the Memphis Sand Aquifer and surrounding Mississippi embayment stretches into nine states, with the majority of water used in West Tennessee, Eastern Arkansas and Northern Mississippi being pumped from underground aquifers for residential, industrial, and agricultural purposes; and

WHEREAS, according to a Tennessee Valley Authority ("TVA") October 2020 published report *Allen Fossil Plant Proposed Plan to Address Environmental Concerns* the Allen Fossil Plant ("AFL Plant") is a non-operational, TVA owned, coal-fired power plant in the southwest corner of the City of Memphis; and

WHEREAS, according to the same report, "During routine groundwater monitoring in 2017, TVA detected arsenic, lead, fluoride, and other CCR-related (coal combustion residuals) constituents in groundwater near the EADA (East Ash Disposal Area)."; and

WHEREAS, in accordance with federal and state requirements, TVA began the process to remove CCR from the East and West Ash Disposal Areas to an offsite landfill, and in October 2020 announced their final two potential offsite landfills were South Shelby Landfill in Memphis, TN and Tunica Landfill in Tunica, MS; and

WHEREAS, the Tennessee Department of Environmental Conservation has not yet approved TVA's proposed remedial action plan or approved of a landfill selection; and

WHEREAS, both potential landfills are located within the Mississippi Embayment area as well as the New Madrid seismic impact zone, the most active seismic area in the United States east of the Rocky Mountains and where the USGS estimates with 25-40% likelihood a magnitude 6.0 and greater earthquake may happen in the next 50 years; and

WHEREAS, the United States Environmental Protection Agency's *Coal Combustion Residuals Rule* published in 2015, identifies sensitive areas including unstable areas, near active fault zones and seismic impact zones, as potentially unsuitable locations for the disposal and storage of CCR; and

WHEREAS, coal ash spills due to the failure of man-made structures have occurred before, most notably Kingston, TN in December 2008 when a dike failure release 5.4 million cubic yards into Swan Pond Embayment and Emory River, eventually leaking 300 acres outside

the coal ash storage area, costing \$1.178 billion dollars in clean up, taking six years, and having long-lasting impacts on the health of cleanup workers, the local environment, and ground water; and

WHEREAS, another instance occurred at Dan River, North Carolina in February 2014, when a storm water pipe at a shuttered coal-fired power plant released 39,000 pounds of coal ash and leaked contaminants as far as 70 miles downstream; and

WHEREAS, in light of the many possible events that may occur, whether failure of manmade structures, or catastrophic natural events, the threat to the Memphis Sand Aquifer and this city's drinking water is too grave for CCR to be moved to a landfill in the City of Memphis, Shelby County, or any location within the Mississippi Embayment.

NOW THEREFORE BE IT RESOLVED, the Memphis City Council hereby strongly opposes transporting CCR from the ALF Plant to any landfill in the City of Memphis, Shelby County, or within the Mississippi Embayment area, and requests TVA find an alternative landfill.

BE IT FURTHER RESOLVED, if TVA does proceed to select a landfill within the City of Memphis, Shelby County, or within the Mississippi embayment, without the consent of this body, the Memphis City Council requests TVA first conduct and publish a "Location Restriction Demonstrations Review" as outlined in the Environmental Protection Agency's *Coal Combustion Residuals Rule* for a selected landfill, and allow thirty days to collect public comments after publication date.

Sponsor Dr. Jeff Warren Chairman Frank Colvett A resolution to cease any movement of Tennessee Valley Authority's proposed plan to relocate coal ash to District 3 and urge TVA to not dump within MLGW's service delivery area

WHEREAS, the Memphis City Council's highest priority is to protect the health, safety, and welfare of the residents of the City of Memphis; and

WHEREAS, the Tennessee Valley Authority (TVA) has proposed a plan for the Allen Foster Plant (AFP) to remove coal combustion residuals also known as coal ash (CCR) from the onsite storage units at the East Ash Disposal Area (EADA) and the West Ash Disposal Area (WADA) and relocate coal ash to a close-proximity landfill; and

WHEREAS, coal ash is the waste that is left after coal is burned that mostly comes from coal-fired electric power plants and includes fly ash, which are fine powdery particles that are carried up the smokestack and captured by pollution control devices, as well as coarser materials that fall to the bottom of the furnace; and

WHEREAS, collectively, there are approximately 3.5 million cubic yards of coal ash currently being stored onsite and although coal ash is not considered a hazardous material under the Environmental Protection Agency (EPA), it is known to contain arsenic, lead, mercury, cadmium, chromium and selenium, and many other elements which are harmful to humans, wildlife, and the environment; and

WHEREAS, without proper management, these contaminants can pollute and threaten our waterways, groundwater, drinking water, and the air; and

WHEREAS, the EPA has found that living next to a coal ash disposal site can increase the risk of cancer or other chronic diseases and as a result, the residents of Memphis will be greatly impacted by this proposed plan.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council urges the Tennessee Valley Authority to not dump in the communities of its largest customer and encourages TVA to develop a transparent and public process that will eliminate any health risks to the citizens of Memphis.

BE IT FURTHER RESOLVED that the Memphis City Council urges TVA to continue coal ash remediation efforts at the Old Allen Plant but to cease any movement of TVA's proposed plan to relocate coal ash to District 3 and any areas within MLGW's service delivery area, indefinitely.

BE IT FURTHER RESOLVED that the Memphis City Council requests the Tennessee Valley Authority to present quarterly updates to the Memphis City Council on all TVA-related projects within Shelby County.

BE IT FURTHER RESOLVED that the Memphis City Council deems that dumping coal ash in a Memphis landfill is not in the best interest or welfare of the citizens of Memphis and requests the Administration to withhold all permits that may assist in any effort to do so.

Sponsors
Ford Canale
Chase Carlisle
Edmund Ford, Sr.
Cheyenne Johnson
Worth Morgan
Patrice Robinson

Chairman Frank Colvett



- Description of the Item (Resolution, Ordinance, etc.)
 Resolution to allocate and appropriate \$4,800,000.00 from FY22 PK01032 Ed Rice Community Center, Contract Construction.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
 Parks and Neighborhoods
- 3. State whether this is a change to an existing ordinance or resolution, if applicable. (Not Applicable)
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.

This will fund an existing construction contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This will require an expenditure of \$4,800,000.00



Resolution to allocate and appropriates funds for the new Ed Rice Community Center

WHEREAS, the Council of the City of Memphis did include Ed Rice Community Center CIP Project Number PK01032, as part of the Fiscal Year 2022 Capital Improvements Budget; and

WHEREAS, the Council of the City of Memphis did provide an allocation of \$4,800,000.00 in Fiscal Year 2022 CIP Project Number PK01032, Ed Rice Community Center, for Contract Construction/Furniture Fixtures and Equipment/Information Technology/Other Costs as part of the Fiscal Year 2022 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council to approve the allocation and appropriation of \$4,800,000 in Contract Construction in Fiscal Year 2022 CIP Project Number PK01032, Ed Rice Community Center, to fund continued construction of the new community center at Frayser Park through completion.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the allocation and appropriation of \$4,800,000.00 from Fiscal Year 2022 CIP Project Number PK01032, Ed Rice Community Center, Contract Construction, funded by G.O. Bonds General, chargeable to the Fiscal Year 2022 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:

Ed Rice Community Center

Project Number:

PK01032

Amount:

\$4,800,000.00



 Description of the Item (Resolution, Ordinance, etc.)
 A Resolution approving the sale of a City owned property known as 2451 Brooklyn Avenue Memphis, TN 38114, Parcel 061014 00010.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
General Services

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this will impact specific council districts or super districts.

District 4/ Super District 8

5. State whether this requires a new contract, or amends an existing contract, if applicable.

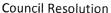
N/A

6. State whether this requires an expenditure of funds/requires a budget amendment

This resolution does not require an expenditure of funds or budget amendment.

7. If applicable, please list the MWBE goal and any additional information needed

N/A





A Resolution approving the sale of a city owned property known as 2451 Brooklyn Avenue Memphis, TN 38114, Parcel ID# 061014 00010

Whereas the City of Memphis owns the property known as 2451 Brooklyn Avenue, Memphis, TN 38114 ("The Property") and is further identified by Shelby County Tax Assessor as Parcel # 061014 00010 containing 0.095 acres, more or less;

Whereas the sale of the City owned parcel will increase the General Fund, generate tax revenue and eliminate blight and maintenance cost for the City of Memphis;

Whereas Janice Hill Green, submitted an offer of Two Thousand Four Hundred Dollars (\$2,400.00) and submitted an earnest money deposit of ten percent equaling \$240.00; and

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said sale be accepted subject to City Ordinance 5637, Amendment to Section 2-291(A) of the City's Code of Ordinance.

Now, therefore be it resolved by the Council of the City of Memphis that the offer made by Janice Hill Green, on the above described parcel is hereby accepted subject to the City Ordinance 5637, Amendment to Chapter 2, Article V, Division 2, Section 1, Section 2-291(A)1 which states in part, "The City Real Estate Manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal."

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to transfer and appropriate construction funds in the amount of \$452,545 for the construction of sidewalks, curb and gutter, pavement and landscaping

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This project is initiated by Public Works at the request of Engineering.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This project does not change an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

This project will impact council district 5 and super district 9

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This Resolution does not require a new contract and does not amend an existing contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

This resolution does not require a budget amendment.

7. if applicable, please list the MWBE goal and any additional information needed

This project has an MWBE goal of 27%.



This is a resolution to transfer and appropriate construction funds for the construction of sidewalks, curb and gutter, pavement and landscaping.

WHEREAS, the Council of the City of Memphis approved Walker Ave. Streetscape Ph. 2, project number PW04103 and Malone/Holmes to Shelby, project number PW01147 as part of the Public Works Fiscal Year 2022 Capital Improvement Budget; and

WHEREAS, it is necessary to transfer a construction allocation in the amount of \$452,545 funded by G.O. Bonds from Walker Ave. Streetscape Ph. 2, project number PW04103 to Malone/Holmes to Shelby, project number PW01147, for the construction of sidewalks, curb and gutter, pavement and landscaping; and

WHEREAS, it is necessary to appropriate \$452,545 funded by G.O. Bonds to Malone/Holmes to Shelby, project number PW01147; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2022 Capital Improvement Budget be and is hereby amended by transferring a contract construction allocation of \$452,545 funded by G.O. Bonds from Walker Ave. Streetscape Ph. 2, project number PW04103 to Malone/Holmes to Shelby, project number for the construction of sidewalks, curb and gutter, pavement and landscaping; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$452,545 funded by G.O. Bonds chargeable to the FY 2022 Capital Improvement Budget and credited as follows:

Project Title

Malone/Homes to Shelby

Project Number

PW01147

Total Amount

\$452,545.00

Resolution exempting a proposed gas station and convenience store located at 3597 Winchester Road

WHEREAS, the Memphis City Council approved a 245-day moratorium on the construction and opening of all new gas stations and used tire shops within the City of Memphis to give the Division of Planning and Development an opportunity to study the effects of these businesses on the city of Memphis; and

WHEREAS, this moratorium is not intended to prevent the construction and opening of new gas stations in areas zoned to permit gas station construction and operation; and

WHEREAS, the plans for Neeraj Kumar's proposed gas station and convenience store project located at 3597 Winchester Road, Memphis, TN 38118 is one such instance in which the moratorium should not have effected gas station construction and opening due to the permitted use in this area; and

WHEREAS, the Memphis City Council did not intend to unduly impact the project at 3597 Winchester Road and requests that the Building Official issue a permit for this limited use to allow the project to commence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that a permit be issued to the owner of the property located at 3597 Winchester Road, Memphis, TN 38118 for the limited use as outlined above.

Sponsor: Councilwoman Rhonda Logan

Chairman: Frank Colvett, Jr.

Resolution authorizing the Memphis and Shelby County Division of Planning and Development to perform a review of the City's Landmarks Districts.

WHEREAS, on July 20, 2021, the Memphis City Council approved two additional Landmarks Districts, also known as historic overlay districts: Vollintine-Evergreen and Crosstown; and

WHEREAS, during its deliberations on these two new districts, members of Council inquired as to certain metrics for the existing Districts; and

WHEREAS, the Division of Planning and Development administers the Landmarks Districts and staffs the Memphis Landmarks Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL does hereby authorize the Memphis and Shelby County Division of Planning and Development to perform a review of the City's Landmarks Districts. This review shall include, but shall not be limited to, the following metrics:

- 1. Current and historic assessed value of residential properties within the Landmarks Districts relative to those throughout the City of Memphis;
- 2. Demographics of the Landmarks Districts;
- 3. Total value of residential building permits issued per year within the Landmarks Districts relative to those throughout the City of Memphis;
- 4. Current and historic homeownership rates within the Landmarks Districts; and
- 5. Processes for the creation of historic overlay districts in peer cities.

BE IT FURTHER RESOLVED BY THE MEMPHIS CITY COUNCIL that the Memphis and Shelby County Division of Planning and Development shall report the findings of this review to the Council no later than January 1, 2022.

Sponsor Worth Morgan

Frank Colvett, Jr., Chairman

Resolution imposing a moratorium on the issuance of certain project authorizations on Old Austin Peay Highway

WHEREAS, the Memphis and Shelby County Uniform Development Code allows for Commercial Mixed Use -3 (CMU-3) in the areas of Old Austin Peay Highway; and

WHEREAS, Old Austin Peay Highway stretches approximately 3,500 feet and on this short street there are currently two car washes, a tire repair shop, an auto sales business, an auto repair shop, and a service station; and

WHEREAS, the high volume of automotive-related businesses within congested traffic areas has led to increased accidents and presents a public safety issue; and

WHEREAS, permits and development authorizations are overseen by the Memphis and Shelby County Office of Planning and Development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY

COUNCIL does hereby impose a moratorium on the issuance of project authorizations and application approvals related to automotive sales, automotive repair and tire repair shops in the areas of Old Austin Peay Highway for 120 days.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL does request new traffic studies for any pending applications or the sale of City-Owned Property related to automotive sales, automotive repair and tire repair shops in the areas of Old Austin Peay Highway.

Chairman Frank Colvett

Sponsors J. Ford Canale Chase Carlisle Rhonda Logan Worth Morgan